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In re Application of	:	DECISION ON RENEWED
ADLER, Sam et al	:	
Int. Application: PCT/IL03/01117	:	
Application No.: 10/541,191	:	REQUEST UNDER
Int. Filing Date: 30 December 2003	:	
Priority Date: 30 December 2002	:	
Attorney's Docket No.: P-5608-US	:	
For: UNIVERSAL RETICLE TRANSFER SYSTEM	:	37 CFR 1.497(d)

This is a decision on petitioner's "RESPONSE TO DECISION ON REQUEST UNDER 37 CFR 1.497(d)" filed on 15 February 2007, which is being treated as a renewed request to add joint inventor Daniel Gat in the executed declaration.

### **BACKGROUND**

In a decision from this Office mailed on 17 August 2006, the decision indicated that the request was dismissed because the request did not satisfy items (1) and (3) of 37 CFR 1.497(d).

On 08 January 2007, the DO/EO/US mailed a "NOTIFICATION OF ABANDONMENT" (Form PCT/DO/EO/909), which indicated that applicant has failed to properly respond to Decision on Request Under 37 CFR 1.497(d), dated August 17, 2006.

On 15 February 2007, applicant filed the current communication, which included, *inter alia*, an executed composite declaration.

### **DISCUSSION**

The renewed request reveals that applicant has satisfied items (1) and (3) of 37 CFR 1.497(d). In regard to item (1), Daniel Gat has been included and has signed the composite Declaration. With respect to item (3), Given Imaging, Ltd., the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers establishing its right to take action under 37 CFR §3.73(b). Also, the assignment has been recorded in USPTO at Reel/Frame 017494/0862.

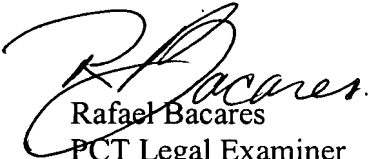
A review of the "NOTIFICATION OF ABANDONMENT" mailed on 08 January 2007, shows that it was mailed in error since applicant filed a petition for a four (4) month extension of time so there was time to respond the decision mailed on 18 August 2006.

Accordingly, the request does meet the requirements under 37 CFR 1.497(d).

**CONCLUSION**

For the reasons above, the renewed request under 37 CFR 1.497(d) is **GRANTED**. The Notification of Abandonment (PCT/DO/EO/909) mailed 08 January 2007 was in error and is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is **15 February 2007**.



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